

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRANCE BRIDGEFORTH,)
vs.)
Plaintiff,)
vs.) Case No. CIV-08-1347-M
OKLAHOMA DEPARTMENT OF)
CORRECTIONS, et al.,)
Defendants.)

ORDER

On December 31, 2008, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983 complaining of violations of his constitutional rights by defendants. The Magistrate Judge recommended the Court dismiss upon filing as to defendant Oklahoma Department of Corrections and that the remainder of the action be transferred to the United States District Court for the Eastern District of Oklahoma. The parties were advised of their right to object to the Report and Recommendation by January 20, 2009. On January 21, 2009, plaintiff filed his objection to dismissal of the Oklahoma Department of Corrections in that “[he] has properly adequately liability” to that entity. The Court, having reviewed the Report and Recommendation and plaintiff’s objection, finds that defendant Oklahoma Department of Corrections is an arm of the state of Oklahoma and thereby, immune from suit pursuant to the Eleventh Amendment.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 31, 2008;
- (2) DISMISSES defendant Oklahoma Department of Corrections based upon Eleventh Amendment immunity; and

(3) TRANSFERS the remainder of this action to the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 10th day of February, 2009.



Vicki Miles LaGrange
VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE